

- d) severing the dough sheet with the blunt dough engaging portion after the first skin and the second skin become substantially pinched together to form at least a portion of the plurality of dough pieces; and
- e) causing the cutter to release the at least a portion of the plurality of dough pieces so that the dough pieces may be further processed.

73. A method of cutting a dough sheet; comprising:

- a) providing a sheet of dough having a first surface with a first skin and a second surface with a second skin;
- b) providing a dough cutting apparatus comprising a plurality of structures having an outer periphery comprising a cutting edge and an inner periphery comprising a blunt edge dough engaging portion with a dough shaping surface, wherein the outer periphery is a geometric figure capable of being nested within other similarly shaped geometric figures and wherein the inner periphery is a different shape;
- c) causing each of the plurality of structures to contact the dough sheet, thereby causing the dough shaping surface of the inner periphery of each of the plurality of structures to draw the first skin toward the second skin until the first skin and the second skin become substantially pinched together; and
- d) causing the cutting edge of the outer periphery to sever the dough sheet, thereby creating a plurality of dough pieces.

#### REMARKS

The amendments to claims 66 and 68 have been made to correct minor typographical and/or grammatical errors that were discovered upon review of the claims. Claim 71 has been amended to clarify the movement of the cutter relative to the sheet of dough and the fact that the dough shaping surface is the surface that draws the first skin toward the second skin and substantially pinches these surfaces together. Claim 73 has been amended to clarify the particular portions of the plurality of structures of the dough

cutting apparatus that are performing the functions of shaping and cutting the dough sheet, as described in the specification (e.g., page 15, line 13 through page 16, line 7). These particular amendments were not earlier presented because it was believed that previously presented arguments and amendments were sufficient to overcome the grounds of rejection. The amendments to the claims raise no new issues that would require further consideration, no additional claims are presented, and no issues of new matter are raised. This Response places the application in better form for appeal. Thus, Applicants respectfully request entry of this Response to Final Office Action.

Claim 71 was rejected under 35 U.S.C. §102(b) as being anticipated by Carollo (U.S. Patent No. 5,622,742). In addition, claims 60-62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carollo. These rejections are respectfully traversed.

Basically, the present invention is directed to a dough cutting apparatus and method that can be used to both cut *and* shape a sheet of dough into individual dough pieces in a single processing step. Both of these functions can be performed in one processing step through the use of a cutter having a blunt dough engaging portion with a dough shaping surface, where the dough shaping surface is advantageously designed to both shape and sever the dough sheet. More specifically, the dough shaping surface draws or stretches the first skin of the dough sheet downwardly toward the second skin of the dough sheet until the skins are substantially pinched together prior to the blunt dough engaging portion severing the dough sheet.

In contrast, Carollo teaches a method of preparing stuffed pizzas or stuffed sandwiches, where each pizza or sandwich is formed in an individual cavity section using a device such as a rolling pin. Downward pressure is apparently applied to the rolling pin or pressure device as it is rolled over a dough sheet in order to squeeze the dough located along the edges of the cavity sections, thereby defining the outer periphery of the food product contained in each cavity section. Although the Examiner specifically refers to the rolling pin or device having reference number 16 as a "movable blunt cutter" in his rejection of the present claims, Applicants disagree with this characterization in that the roller is not a movable cutter as set out in the present invention. In other words, this device 16 of Carollo is not a cutter with a blunt dough engaging portion that extends to sever a dough sheet, as is required by the present method claim 71. The device 16 of

Carollo is also lacking a blunt dough engaging portion having a dough shaping surface to shape and sever the dough sheet, as is recited in the present claim 71. For at least these reasons, Carollo does not anticipate the present invention as recited in claim 71.

The Examiner also rejected claims 60-62 as unpatentable over Carollo, specifically stating that it would have been obvious to adjust the size and curvature of Carollo during the course of normal experimentation to arrive at a rolling pin of the size and curvature taught in the Applicant's specification. While it may be true that rolling pins are commonly larger than 6mm in diameter, this presumption simply has no bearing on the fact that the rolling pin of Carollo is lacking many of the features required by the apparatus of claim 60. Specifically, if one were to characterize the rolling pin 16 of Carollo as a movable cutter (as the Examiner has done), this rolling pin cannot shape or sever any dough products without the cooperation of the pizza pan against which it squeezes the pizza dough. In fact, it may be more meaningful to characterize the pizza pan of Carollo as a cutter, since it functions as a pressure surface for the dough as it is squeezed together. In this case, the pizza pan is clearly not a movable cutter, as is recited by the present claim 60. In addition, the pizza pan of Carollo is not taught to be used sequentially to provide a plurality of dough products for further processing. Instead, Carollo teaches using its pizza pans to provide a single dough product in each pan, where the food product is prepared and cooked in the same pan. In other words, if one were to characterize the pizza pan as a cutter, the cutter can only be said to cut a *single* dough product from a dough sheet, which is in sharp contrast to the apparatus of the present method which utilizes a cutting apparatus for cutting multiple products from a single sheet. Thus, claims 60-62 are believed to be patentable over Carollo and withdrawal of the rejection thereof is respectfully requested.

Claims 71-74 were rejected under 35 U.S.C. §102(b) as being anticipated by Makowecki (U.S. Patent No. 5,687,638). In addition, claims 60-64 and 68-69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Makowecki. These rejections are respectfully traversed.

The Makowecki reference teaches co-extruding multiple cylindrical filled food shells onto a conveyor that conveys the shells into partitioning contact with a cutting device, such as a stamping die. The cutting device is shaped to achieve a desired

peripheral shape of the food product. In particular, Makowecki discusses the formation of individual food pieces (such as ravioli pieces) from layers of pasta dough with a filling between the layers. The food products are cut by cutting edges 39, while sealing lips 41 urge pasta layers together at the pasta piece edges. In other words, Makowecki teaches only a method of cutting and *assembling* individual food products, which is hardly the same as an operation that involves cutting a single dough sheet after pinching together oppositely facing skins of that *same* single dough sheet.

Applicants note that there would be no motivation for one to utilize the teachings of the assembly and cutting operation of a filled food product of Makowecki in a process of forming and cutting a single dough sheet. Makowecki does not suggest or teach any reason that its device would be appropriate for use in pulling oppositely facing skins of a single dough sheet toward each other, since it is an entirely different operation to stretch and form skins of a single dough sheet into individual dough products than it is to assemble multiple layers of a food product into a self-contained food product having filling sealed inside an outside layer. With particular reference to the Examiner's rejection of method claims 71-74, Applicants thus disagree with the Examiner's characterization of the elongated cylindrical filled food shells 26 (see e.g., col. 3, lines 22-23) as a dough sheet, since the processing of filled food shell products is fundamentally different than the forming and cutting of a single sheet dough product.

For the reasons set out above, Makowecki does not teach or disclose every element of claim 71 and thus cannot anticipate this claim. Claim 72, which depends therefrom, is also deemed allowable at least in that it depends from allowable claim 71.

With respect to claim 73, Applicants respectfully assert that Makowecki does not, nor do any of the Examiner's other cited references, teach or disclose a dough cutting apparatus having a plurality of structures with inner and outer peripheries having different geometries, the inner periphery having blunt edge dough engaging portion and the outer periphery having a cutting edge, so that when the plurality of structures are caused to contact a dough sheet the inner periphery shapes the dough, while the outer periphery severs the dough sheet. The Examiner seems to be contending that the cutting edge 39 comprises an outer periphery and that sealing lips 41 comprise an inner periphery; however, this contention is in conflict with the ordinary usage of those terms.

Specifically, the term ‘periphery’ is commonly associated with an external boundary or shape, such as the outer boundary of a shape of a dough piece of the present invention. Because the cutting edge 39 and sealing lips 41 are each part of the same external boundary of stamping die 38, they cannot be defined individually as an outer periphery and an inner periphery. Thus, claim 73 is not anticipated by Makowecki and withdrawal of the rejection of this claim and its dependent claim 74 is believed appropriate and is respectfully requested.

With respect to claims 60-64, the cutter of Makowecki comprises sealing edges 41 and cutting edge 39, as discussed above. Neither sealing edges 41 nor cutting edge 39 both shape and cut food products. Rather, sealing edge 41 crimps and shapes the filled food cylinder while cutting edge 39 cuts the cylinder to produce individual filled food products. The cutter of Makowecki thus does not comprise a dough shaping surface that both severs and shapes the dough. In addition, Makowecki does not teach or suggest such a cutter, as Makowecki instead teaches the desirability of providing filled dough products with traditional peripheral boarders. Thus, the teaching of Makowecki cannot be said to render obvious the cutter as is recited in claims 60-64 and the withdrawal of this rejection is appropriate and is respectfully requested.

The Makowecki reference has additionally been applied to claims 68-69. As discussed above, Makowecki does not teach or suggest a cutter comprising a plurality of structures having inner and outer peripheries of different geometries. As such Makowecki cannot be said to render claims 68 and 69 obvious, and withdrawal of this rejection is appropriate and respectfully requested.

Claims 65-66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Makowecki as applied in view of Simelunas (U.S. Patent No. 4,534,726). As discussed above, Makowecki does not teach or suggest a dough shaping surface that both cuts and shapes the dough, but rather requires both a sealing lip and a cutting edge to perform each function. Likewise, Simelunas does not teach or suggest such a dough shaping surface, and as such, the fact that Simelunas may teach a walking or reciprocating head cutter is immaterial, as the combination would still not teach or suggest each and every element of 60 from which claims 65 and 66 depend. Thus, these claims cannot be said to be obvious

over this combination of references, and withdrawal of this rejection is believed appropriate and is respectfully requested.

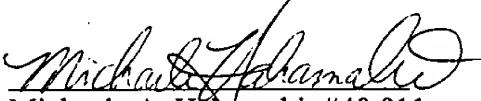
Finally, claim 70 was rejected under 35 U.S.C. §103(a) as being unpatentable over Makowecki as applied in view of RADEMAKER B.V. Although the Rademaker pamphlet may show various cutter configurations with multiple illustrated shapes, none of these cutters comprise a cutter edge adjacent to and spaced from a dough shaping surface, wherein the cutter edge is provided on the outer periphery and a dough shaping surface is provided on the inner periphery. Rather, both the inner and outer peripheries of the cutters shown in Rademaker comprise cutting edges to provide dough pieces with a cut-out in the shape of the inner cutting edge. The teachings of the Rademaker pamphlet thus do not remedy the deficiencies of Makowecki et al, and this combination of references cannot be said to render claim 70 obvious. Withdrawal of this rejection is thus appropriate and is respectfully requested.

### CONCLUSION

In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance. Approval of the application and allowance of the claims is earnestly solicited. In the event that the Examiner feels that a phone conference would help resolve any remaining issues in the application, the Examiner is invited to contact the undersigned attorney at (651) 275-9839.

Respectfully Submitted,

By:

  
Michael A. Hakamaki, #40,011



33072

PATENT TRADEMARK OFFICE

Phone: 651-275-9839

Facsimile: 651-351-2954

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**Exhibit A**

(Marked-up copy of the claims)

66. The apparatus of claim 60, being disposed relative to a dough supporting structure on a walking head for intermittently engaging the dough sheet and traveling with the dough sheet.

68. The apparatus of claim 60, wherein the blunt dough engaging portion further includes a cutter edge provided adjacent to and spaced from the dough shaping surface for [serving]severing a dough portion from the dough sheet after the dough portion is shaped by the dough shaping surface, and wherein the cutter edge is provided as a peripheral edge of the cutter with the dough shaping surface within the periphery of the cutter, and the peripheral shape defined by the cutting edge is a different shape from the shape of the dough shaping surface.

71. A method of shaping and cutting a dough sheet to form a plurality of dough pieces; comprising:

- a) providing a sheet of dough having a first surface with a first skin and a second surface with a second skin;
- b) providing a dough cutting apparatus having a cutter with a blunt dough engaging portion that extends sufficiently to sever the dough sheet, the blunt dough engaging portion having a dough shaping surface to shape and sever the dough sheet;
- c) [causing] moving the cutter relative to the sheet of dough so that the dough shaping surface of the blunt dough engaging portion [to contact] contacts the first surface of the dough sheet [and thereby drawing] so that the dough shaping surface draws the first skin downwardly toward the second skin and substantially-[pinching] pinches the first and second skins together;  
[and]
- d) severing the dough sheet with the blunt dough engaging portion after the first skin and the second skin become substantially pinched together to form at least a portion of the plurality of dough pieces; and
- e) causing the cutter to release the at least a portion of the plurality of dough pieces so that the dough pieces may be further processed.

73. A method of cutting a dough sheet; comprising:
  - a) providing a sheet of dough having a first surface with a first skin and a second surface with a second skin;
  - b) providing a dough cutting apparatus comprising a plurality of structures having an outer periphery comprising a cutting edge and an inner periphery comprising a blunt edge dough engaging portion with a dough shaping surface, wherein the outer periphery is a geometric figure capable of being nested within other similarly shaped geometric figures and wherein the inner periphery is a different shape;
  - c) causing each of the plurality of structures to contact the dough sheet, thereby causing the dough shaping surface of the inner periphery of each of the plurality of structures to draw the first skin toward the second skin [without breaking the dough sheet] until the first skin and the second skin become substantially pinched together; and
  - d) causing the cutting edge of the outer periphery to sever the dough sheet, thereby creating a plurality of dough pieces.